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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
8

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 BARRY GABELMAN,

13 Defendant.  
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Case No. 2:20-cr-000019-JCM-NJK

**STIPULATION TO CONTINUE  
SENTENCING DATE AND RESET RULE  
29 BRIEFING**

**(Third Request)**

15 IT IS HEREBY STIPULATED AND AGREED by and between Jason M. Frierson, United  
16 States Attorney, and Bianca R. Pucci, Assistant United States Attorney, counsel for the United States  
17 of America, and Daniel Hill, counsel for Defendant Barry Gabelman, that the Defendant's sentencing  
18 date be extended to a date and time convenient for the Court around 90 days after the current  
19 sentencing date.

20 The Stipulation is entered into for the following reasons:

- 21 1. Defense counsel was appointed to replace trial counsel on April 22, 2022.
- 22 2. Defense has additional preparation and writing for Rule 29 and sentencing  
23 purposes. Defense counsel has been engaged in back-to-back jury trials. One life-tail trial was just  
24 finished on September 20, 2022 in EJDC case number C-22-363508-1, and a counsel starts an  
25 attempt murder trial on October 10, 2022.
- 26 3. The Court denied Defendant's Rule 29 motion, without prejudice, with leave to  
27 re-file once new counsel was appointed. Current defense counsel is investigating whether trial  
28 transcripts will be needed to re-file the Rule 29 motion.

4. The additional time requested is not for the purposes of delay, but to allow defense counsel adequate time to familiarize himself with Defendant's case.

5. Denial of this request for continuance could result in a miscarriage of justice.

6. Accordingly, the parties hereby stipulate to continue Defendant Barry Gabelman's sentencing date for 90 days.

7. The parties also stipulate that any Rule 29 motion be due 45 days before sentencing, and any response/opposition to the motion be due 14 days thereafter.

DATED this 4th day of October 2022.

By: /s/ Bianca R. Pucci  
 BIANCA R. PUCCI  
*Counsel for the Government*

By: /s/ Daniel Hill  
DANIEL HILL  
Counsel for the Defendant

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
BARRY GABELMAN,  
Defendant.

Case No. 2:20-cr-000019-JCM-NJK

## ORDER

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy sentencing, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing, taking into account the exercise of due diligence.

IT IS THEREFORE ORDERED that sentencing in the above-captioned matter currently scheduled for October 19, 2022 at 10:00 a.m., be vacated and continued to **January 18, 2023, at 10:00 a.m.**

IT IS FURTHER ORDERED that any re-filed Rule 29 motion be due 45 days before sentencing, and any response thereto be due 14 days thereafter.

DATED October 5, 2022

James C. Mahan  
HON. JAMES C. MAHAN  
UNITED STATES DISTRICT JUDGE